

**STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

In the Matter of:	)	Tracking No: IWMA BR07-07
	)	
	)	
City of Ridgecrest	)	<b>COMPLIANCE ORDER</b>
County of Kern	)	
	)	
	)	Public Resources Code
	)	Section 41825

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**INTRODUCTION**

- 1.1 Parties: The California Integrated Waste Management Board (Board) issues this Compliance Order (Order) to the City of Ridgecrest (City), County of Kern.
  
- 1.2 Authority: Section 41825 of the Public Resources Code (PRC) requires the Board to review implementation of each jurisdiction's Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE), at least once every two years; this Biennial Review is the Board's independent evaluation of a jurisdiction's progress in implementing the SRRE and HHWE selected programs and reaching the diversion requirements of PRC Section 41780. If a jurisdiction is not meeting the mandates of the Integrated Waste Management Act (IWMA), the Board may issue a Compliance Order and schedule (PRC Section 41825). Fines of up to \$10,000 per day may be levied if the provisions of the Compliance Order and schedule are not met (PRC Section 41850).
  
- 1.3 Sections 41033 and 41333 of the PRC, respectively, provide that any waste characterization component prepared by a jurisdiction pursuant to Sections 41030 or 41330, and any other information submitted by a jurisdiction to the Board on the quantities of solid waste

generated, diverted, and disposed of, shall include data which is as accurate as possible, on the quantities of solid waste generated, diverted, and disposed of, to enable the Board, to the maximum extent possible, to accurately measure the diversion requirements established under paragraph (1) of subdivision (a) of Section 41780.

### **DETERMINATION OF COMPLIANCE DEFICIENCIES**

- 2.1 Board staff conducted a Biennial Review of the City's SRRE. After considering the results of this review and the adoption of this Order at a public hearing commencing on September 18, 2007, the Board determined:
- 2.2 The City failed to comply with PRC Section 41825 in that it failed to adequately implement programs listed in its SRRE that target significant portions of the City's waste stream. In addition, the City failed to comply with PRC Section 41780 in that its programs are not achieving all reasonable and feasible levels of diversion that are necessary to meet the requirements of PRC section 41780.
- 2.3 The City failed to demonstrate that it made a good faith effort in implementing its SRRE in accordance with PRC Section 41850. The City did not provide information to indicate that it had made all reasonable and feasible efforts to implement its SRRE or alternative programs that achieve the same or similar results.
- 2.4 The City's 2003 and 2004 diversion calculations of 64 percent and 70 percent, respectively, do not reflect the City's current level of diversion program implementation and appear to be

inaccurate. Board staff notified the City by mail on April 25, 2007, in order to confer with the City that Board staff's 2003/2004 Biennial Review indicated that the City's programs are not achieving all reasonable and feasible levels of diversion that are necessary to meet the requirement of PRC Section 41780. A 30-day Notice of Intent to Issue a Compliance Order was mailed to the City's Mayor on August 6, 2007, informing the City of the date, time and location that the Board will consider issuing a Compliance Order.

### **SCHEDULE FOR COMPLIANCE**

- 3.1 Based on the foregoing determination of compliance deficiencies, it is hereby ordered that the City shall:
- a. Work with the Board's Jurisdiction Compliance and Audit (JCA) Section, and the Local Assistance and Market Development (LAMD) Division staff to determine gaps in program areas and make recommendations in improving, expanding, or implementing new diversion programs.
  - b. Collaborate with JCA and LAMD staff to conduct a needs assessment meeting with the City and outline the scope of a Local Assistance Plan (LAP).
  - c. Develop a new waste generation study, based on 2006, or more recent date, with the intent of establishing a new, more accurate base year; apply to the Board for a change of its measurement base year to this more accurate year; and calculate its new base year waste diversion rate. The new generation-based study shall be completed and submitted in accordance with the dates and timeline identified in the LAP identified in Section 3.1.d. above.
  - d. Agree to the LAP by January 31, 2008. The LAP will define programs that the City will fully implement by January 31, 2010.
- 3.2 Penalties: At the end of the Compliance Order, the Board shall hold a public hearing to determine whether or not the City has complied with Section 3.1 of this Order. Failure to comply with any part of the Compliance Order at any time may result in fines of up to



(\$10,000) per day in accordance with PRC Section 41850(a). A public hearing may be scheduled earlier if the Board determines that the City has complied with the conditions of the Order ahead of schedule.

- 3.3 Submittals: All documents required to be submitted by the City as noted above shall be sent to:

**Trevor O'Shaughnessy, Supervisor  
Jurisdiction Compliance and Audit Section  
California Integrated Waste Management Board  
1001 I Street, P.O. Box 4025  
Sacramento, CA 95812**

**Attn: Compliance Order Correspondence**

- 3.4 Communications: the Board or its designee will communicate all approvals and decisions of the Board made regarding the adequacy of submittals to the City in writing. No informal advice, guidance, suggestions, or comments by the Board staff regarding reports, plans, schedules, or any other documents submitted by the City shall be considered to be Board approvals.
- 3.5 Board Review and Approval: If the Board determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to achieve successful implementation of the SRRE, the Board or its designee may:
- a. Serve a notice that the Board will hold a public hearing to consider the imposition of penalties in accordance with PRC Section 41850, or
  - b. Order the City to change the document (if there are major changes) as deemed necessary and approve the document as changed, or
  - c. Return the document to the City with recommended changes (if there are minor changes) and a date by which the City must submit to the Board the document incorporating the recommended changes.

- 3.6 Compliance with Applicable Laws: The City shall carry out this Order in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.
- 3.7 Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of the City.
- 3.8 Government Liabilities: The State of California and the Board shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the City or its agents in carrying out activities pursuant to the Order. The City shall indemnify, defend and save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting in connection with the performance of this Order.
- 3.9 Extension Request: If the City is unable to perform any activity or submit any document within the time required under this Order, the City may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.
- 3.10 Extension Approvals: If the Board or its designee determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

- 3.11 Parties Bound: This Order shall apply to and be binding upon the City and upon the Board and any successor agency (regional agency etc.) that may have responsibility for, and the City over, the subject matter of this Order.

**EFFECTIVE DATE**

- 4.1. This Order is final and effective from the date of issuance.

Date of Issuance \_\_\_\_\_

  
\_\_\_\_\_  
Margo Reid Brown, Chair  
California Integrated Waste Management Board